

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **February 11, 2003**

AGENDA ITEM NO.: 19

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Public Hearing Regarding Vacating A Portion of Public Right-of-Way located at the Southeast Corner of Tradewynd and Enterprise Drives, and the Conveyance of Any Residual Interest in this Right-of-Way to J. E. Jamerson & Sons, Inc.**

### RECOMMENDATION:

Adopt an ordinance vacating a portion of public right-of-way located at the southeast corner of Tradewynd and Enterprise Drives, and approving the conveyance of any residual interest the City might have in this vacated right-of-way to J. E. Jamerson & Sons, Inc.

### SUMMARY:

The petitioner has requested that a portion of public right-of-way located at the southeast corner of Tradewynd and Enterprise Drives be vacated in addition to the City agreeing to convey any residual interest that it might have in this vacated right-of-way to the property owner, J. E. Jamerson & Sons, Inc. The City's Right-of-Way Agent has determined the price of the City's residual interest, or .0001 acre, to be \$56.00.

### PRIOR ACTION(S):

January 21, 2003: Technical Review Committee Review

February 4, 2003: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

Pat Kost 847-1443/228

Tracey Norvelle 847-7796

### ATTACHMENT(S):

- † Ordinance
- † Map
- † Technical Review Committee Report
- † Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF TRADEWYND AND ENTERPRISE DRIVES, AND APPROVING THE CONVEYANCE OF ANY RESIDUAL INTEREST THE CITY MIGHT HAVE IN THIS VACATED RIGHT-OF-WAY TO J. E. JAMERSON & SONS, INC.

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WHEREAS, the City of Lynchburg, on its own motion, is proposing to vacate a portion of public right-of-way located at the southeast corner of Tradewynd and Enterprise Drives; and

WHEREAS, all of the adjoining property owners are in agreement to the vacation of this portion of public right-of-way; and

WHEREAS, City Council finds that no public inconvenience will result from vacating this portion of public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of public right-of-way be, and the same hereby is, discontinued and vacated, namely:

0.002 acre at the southeast corner of Tradewynd Drive and Enterprise Drive and more fully described as follows:

Beginning at an iron pin found with cap at the southerly intersection of the Tradewynd Drive right of way and the Enterprise Drive right of way; thence with the Enterprise Drive right of way South 09 degrees 43 minutes 26 seconds West 23.61 feet to an iron pin found with cap; thence South 54 degrees 26 minutes 18 seconds West 11.97 feet to an iron pin found with cap; thence with the new right of way line North 24 degrees 24 minutes 53 seconds East 33.20 feet to the point of beginning containing 0.002 acres.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities and public uses currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

BE IT FURTHER ORDAINED That the Council of the City of Lynchburg does hereby approve the conveyance of any residual interest the City might have in this vacated right-of-way to J. E. Jamerson & Sons, Inc., and hereby authorize the City Manager to execute a deed to convey this portion of right-of-way to J. E. Jamerson & Sons, Inc.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

022P



## The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1508  
FAX • (804) 845-7630

PLANNING DIVISION

January 23, 2003

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Annette Chenault*

RE: Street Vacation – Portion of Enterprise Drive and Tradewynd Drive  
Enterprise Drive and Tradewynd Drive

On January 21 the Technical Review Committee (TRC) reviewed the proposed street vacation for portions of Enterprise Drive and Tradewynd Drive. Following are the comments:

1. The subject preliminary plat (*Plat Showing Division of Blocks D and E, Wyndhurst Subdivision Being the Property of J. E. Jamerson & Sons, Inc.*) proposes the right-of-way vacation of portions of Enterprise Drive and Tradewynd Drive. This proposed vacation must be reviewed and approved by City Council.
2. Lots 1-9 have frontage and access via Enterprise Drive and the Common Area. The right-of-way vacation would not landlock any lots located along Enterprise Drive and Tradewynd Drive. Therefore, the Planning Division has no concerns.

Attachment

Pc: Technical Review Committee  
Maggie Cossman, Hurt & Proffitt, Inc.

APPLICATION FOR THE VACATION OF  
A PORTION OF PUBLIC RIGHT-OF-WAY  
(Street/Alley)

LOCATED

AT THE SOUTHEAST CORNER OF TRADEWYND AND ENTERPRISE DRIVES


The undersigned applicant, J. E. Jamerson & Sons, Inc., pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of a certain portion of public right-of-way described as follows:

0.002 acre at the southeast corner of Tradewynd Drive and Enterprise Drive and more fully described as follows:

Beginning at an iron pin found with cap at the southerly intersection of the Tradewynd Drive right of way and the Enterprise Drive right of way; thence with the Enterprise Drive right of way South 09 degrees 43 minutes 26 seconds West 23.61 feet to an iron pin found with cap; thence South 54 degrees 26 minutes 18 seconds West 11.97 feet to an iron pin found with cap; thence with the new right of way line North 24 degrees 24 minutes 53 seconds East 33.20 feet to the point of beginning containing 0.002 acres.

The applicant further request the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on February 11, 2003, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described public right-of-way.

Given under my hand this 8th day of January, 2003.

  
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Mark A. Borel, Representative

P. O. Box 640, Lynchburg, VA 24505  
Address

845-6340  
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE  
VACATION OF THE ABOVE DESCRIBED PROPERTY:

The City of Lynchburg is the only adjoining property owner.



PROPOSED 15' STORM SEWER  
EASEMENT HEREBY DEDICATED  
TO THE CITY OF LYNCHBURG

PARCEL 2  
/0.002 AC. R/W AREA  
HEREBY COMBINED  
INTO LOT 1

5.66 SQUARE FEET OF R/W AREA  
HEREBY COMBINED INTO  
COMMON AREA

PROPOSED 15' STORM SEWER  
EASEMENT HEREBY DEDICATED  
TO THE CITY OF LYNCHBURG

TRADEWYND DRIVE  
(70' R/W)

PROPOSED VARIABLE WIDTH WATER &  
SANITARY SEWER EASEMENT HEREBY  
DEDICATED TO THE CITY OF LYNCHBURG

COMMON AREA  
2.275 AC.

3.294 AC.	(ORIGINAL)
-2.275 AC.	(COMMON AREA, INCLUDES PARCEL 3)
-0.767 AC.	(LOTS 1-20, INCLUDES PARCEL 2)
<u>-0.252 AC.</u>	<u>(PARK AREA)</u>
0.000 AC.	(RESIDUE)

PROPOSED VARIABLE WIDTH  
WATER & SANITARY SEWER  
EASEMENT HEREBY DEDICATED  
TO THE CITY OF LYNCHBURG

PROPOSED VARIABLE WIDTH WATER &  
SANITARY SEWER EASEMENT HEREBY  
DEDICATED TO THE CITY OF LYNCHBURG

PROPOSED VARIABLE WIDTH  
WATER SANITARY SEWER  
EASEMENT 25' R/W. DEDICATED  
TO THE CITY OF LYNCHBURG